

## BORDER PATROL HANDBOOK

## CHAPTER 3

## PERSONAL CONDUCT

GENERAL

The Service is concerned with administering the immigration laws as Congress intended, in a framework or policy that takes into account the human rights of all individuals. Our national credo holds that all persons must be treated fairly and humanely and that no one should be subjected to mistreatment or exploitation.

As representatives of the Service, patrol agents should attempt to project a very positive image both on and off duty, with sensitivity to differing racial, ethnic, and cultural groups and persons of either sex. Patrol agents are asked to treat all people in a fair and humane way. Compatible with such legislative intent and policy, the Service projects its image as an agency that can, and does, extend a helping hand while enforcing the Immigration and Nationality Act. The patrol agent's attitude must not reflect a narrow, rigid, or arbitrary application of the law.

ATTITUDE

Patrol agents must develop a professional attitude. Training is a continuing process in which patrol agents may acquire the ability to handle various situations, some of which present new and difficult problems. Each one of these should be a unique lesson. Although patrol agents may receive assignments that appear insignificant or unimportant, they should keep in mind that all Service activities are necessary functions and may develop more significant cases.

Patrol agents should strive for excellence in accomplishing the Service's mission, and should behave in such a manner that their conduct will be above reproach. They should avoid all associations or places that may degrade them or their positions in the eyes of the public. Illegal establishments and places held in disrepute should be entered only when official business requires it. Patrol agents should take pride in their personal appearance and conform to acceptable codes of dress and appearance.

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Patrol agents must not condone violations of the laws; their ultimate goal should be to secure the facts and report them accurately and objectively, whether administrative or criminal matters. The proper target of an investigation is the violation, not the person involved.

Even under the most severe provocation, patrol agents must maintain a dignified manner and display self-control. If a patrol agent wants to achieve public cooperation, which is essential to the job, authority should be exercised with firmness and fairness.

Apart from all other considerations of conduct, patrol agents are under legal injunction to be cognizant of, and guided by, an understanding and appreciation of the rights individuals in the United States have under our Constitution and laws.

Impartiality

Patrol agents must maintain a fair and impartial attitude toward all matters and should not be influenced by political, religious, or racial prejudices or considerations.

Patrol agents should avoid jumping to conclusions or formulating a theory and then trying to develop evidence that coincides with, or supports, pre-conceived ideas. Patrol agents should not place themselves or the Service in the position of trying to "get the subject."

Discretion

It is not sufficient that patrol agents be fair-minded or impartial; they must conduct themselves in such a manner that these qualities are apparent to all with whom they come in contact. They should not favor or discriminate against any subject. Remarks and questions should be of such nature that a person should be unable, at the conclusion of any interview, to determine the patrol agent's personal opinion in the matter.

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Some practices which are not intrinsically wrong should be avoided because of the false impressions they might create. (b)(7)(E)

Public addresses or articles concerning Service work may not be released without approval from supervisory officers. Reporters and photographers should be courteously referred to chief patrol agents, or other persons they designate to release publicity (see AM 2090.01).

Courtesy

Patrol agents are public servants in the strictest sense of the word. The Service neither expects nor wants them to act in a servile manner, but demands that they recognize their duties and responsibilities to the public at large. Courteous treatment at the hands of a patrol agent is the right of, rather than a privilege which may or may not be extended, the average person with whom they come in contact in the performance of their duties.

Poise and Dignity

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agents should remain cool, and conduct the business at hand in a courteous and business like manner. Nothing should be said that is likely to lead to argument or controversy. A patrol agent who loses his temper also, loses control of the situation and fails in his mission. In such cases, particularly if the person has been treated discourteously by law enforcement officers before, his enmity toward all officers will be left more firmly entrenched. At the least, an

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opportunity to convert an enemy into a friend or to create respect for the work of the Service may have been lost. Patrol agents who permit someone to embroil them in controversy and cause them to become sarcastic or overbearing immediately lose the respect of that person as well as that of onlookers.

Firmness

Patrol agents can expect to encounter persons who insist on receiving special favors and privileges not accorded by law, regulation, or policy. Such persons must be dealt with firmly. A "no" can be said courteously. Patrol agents are expected to give reasonable answers and explanations, and most people will accept them. Those few who may be momentarily offended usually will come to understand that the patrol agents were performing their duties as required.

Frankness

Because of their uniforms, patrol agents are recognized as immigration officers. This naturally leads to situations in which persons with personal immigration problems will seek information regardless of whether those problems are under Border Patrol jurisdiction. These situations place great responsibility on individual patrol agents to avoid giving inaccurate information or rendering opinions of all the facts. It is better to admit that desired information is unknown than to furnish incorrect information or improper referrals. The giving of inaccurate information or the premature expression of decisions is likely to disappoint the interested person and embarrass the patrol agent and the Service. In all cases, caution must be exercised not to misinform anyone or to leave grounds for a wrong impression. If this should happen, however, it is no sign of weakness to admit a mistake. Not nearly as much prestige and respect will be lost by acknowledging errors as by attempting to cover up with face-saving tactics.

CONDUCT ON THE JOB

The personal conduct of each patrol agent in or out of uniform, on or off duty, is important to the success of the individual and to the reputation of the Service. Those persons who wear the insignia and badge of authority should be persons of the highest caliber and integrity. Because of patrol agents' salaries, the laws they enforce, and the individuals they investigate all come from the general public, the standards of conduct the public expects become a condition of employment.

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Relationship with the Public

The effectiveness of any government agency in a large measure, depends on the public image created by the collective actions of individual employees. As enforcement officers, border patrol agents are particularly dependent on the good will and cooperation of the public to insure the continual receipt of useful information. Good public relations are maintained through courtesy, poise, dignity, sympathy, and sincerity displayed by individual patrol agents.

As representatives of the U.S. Government, patrol agents are obligated to conduct themselves in a dignified and worthy manner while effectively accomplishing their assigned tasks. Restraint and self-control in the face of verbal abuse or threatened violence not only will enlist the support of witnesses, but often will prove to be a more effective defense than any direct physical action.

Special considerations and privileges not accorded by laws are not to be granted. A suitable explanation of the laws and regulations, rather than a perfunctory refusal, will accomplish the same and without offense.

Relationship with Aliens

Aliens come in contact with Service employees either voluntarily (because they have a problem and are seeking assistance) or involuntarily (because they are in the country illegally and subject to Service action.) Regardless of the circumstances, an arrogant or otherwise unpleasant manner in official relationships will not be tolerated. Aliens are entitled to certain rights, including courteous, considerate treatment at the hands of Service employees. It is the responsibility of all employees to treat aliens in the way they would like to be treated if the situation were reversed.

Identification

The Border Patrol badge, as stated on its reverse, conveys no authority unless accompanied by proper credentials. Patrol agents shall, therefore carry Service identification cards, at all times while on duty. If agents work in plain clothes, they shall identify themselves and show identification when questioning suspects or approaching employers and interested third parties. The official uniform should generally be sufficient identification for officers performing farm and ranch checks, traffic check, and similar duties. If uniformed patrol agents feel they should further identify themselves--or

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if the suspect, employer, or interested third party asks for further identification--the Service identification card shall be presented forthwith. Patrol agents should leave no question that they are in fact, Service employees. Patrol agents shall avoid giving any impression they are connected with any other government agency.

Interrogation

Because aliens enjoy the same rights as citizens, they should always be fully informed of their rights. In the actual interrogation, patrol agents should have a definite objective in mind. Every question should be purposeful. Such a procedure saves time and cuts down on needless conversation, which may lead to antagonism and controversy. (b)(7)(E)

Use of Physical Force

The use of physical force or violence in handling detained aliens or other persons with whom official business is being conducted is permissible only in self-defense, in defense of another person, or to such an extent as is absolutely necessary to make an arrest or prevent an escape. The use of "third-degree" methods to obtain information or confessions is not tolerated. Abuse of aliens in any manner is not permitted.

Discussion of Personal Matters

Unless they are pertinent to a case, personal matters involving aliens or patrol agents involved are not to be discussed.

(b)(7)(E) shall be avoided. Aliens should never be promised immunity from deportation or prosecution to obtain information or a confession. Familiarity or personal relationships with aliens who have been detained by the Service, or who may have business with the Service shall be avoided. "Dates" with excludable or deportable aliens are strictly forbidden.

Employment of deportable aliens in any capacity is strictly prohibited. Agents and their families must use extreme care to insure against the possibility of hiring such aliens.

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Business dealings of any nature between patrol agents and aliens detained by the Service are strictly forbidden.

Service employees are prohibited from buying property or personal effects from aliens who are under deportation proceedings or who have been excluded from the United States.

Abuse of Authority

All patrol agents are expected to have a thorough understanding of authority as defined by statute, regulation, and instructions. As arms of the Executive Branch, they must accept administrative definitions and orders representing administrative policies, the mirrors by which acts of Congress are reflected.

In performing their duties, patrol agents are expected to stay within the bounds of authority. Transgression of these bounds places them in a legally indefensible position and opens the Service to criticism. Furthermore, it may subject the offending patrol agents to disciplinary action.

Personal Appearance

Because agents meet the public in the regular performance of their duties, they are expected to take pride in their personal appearance. Good personal appearance adds to the prestige of the individual and creates a favorable public impression. Where a uniform is required, only the uniform prescribed, beginning on page 2483.13 of the Administrative Manual, may be worn. The uniform must be worn in its entirety, devoid of any unauthorized ornaments or attachments.

Patrol agents performing duty out of uniform shall wear conservative clothes appropriate to the area where duty is performed.

Uniforms or clothes worn on duty shall be kept clean, neat, and well pressed.

GROOMING STANDARDS

The following grooming standards are compulsory for all uniformed patrol agents regardless of the activity they are performing:

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Hair

Hair will be kept in a neat, clean, and commonly acceptable style with the following restrictions, to be considered with the head held erect:

For males, the hair, when groomed for intended appearance, shall not cover any portion of the ear, nor touch the shirt collar, nor cover any portion of the eyebrows. "Greasing" or "slicking" the hair for the express purpose of accommodating these restrictions is not acceptable. Moderate "natural" type haircuts are permitted if they qualify within the limits described above, provided they do not interfere with the wearing of required uniform headgear.

For females, the hair shall be worn in acceptable fashion, so that it does not extend below the outer portion of the shirt collar, nor completely cover the ears, nor cover any portion of the eyebrows. The hair shall not interfere with the wearing of the required uniform headgear. While barrettes, pins, and combs may be worn, they may not be of a type that could reasonably be called "conspicuous" or be dangerous to the wearer or to other persons. (b)(7)(E) [REDACTED] earrings, other than "button" or "post" types shall not be worn. Make-up or nail polish, if worn, shall be in accord with standards of "good taste," not "garish".

Sideburns

Sideburns shall not extend below the bottom of the ear lobe and shall end in a clean-shaven horizontal line. The maximum allowable width at the bottom of the sideburns is one and a half inches. Sideburns shall be neatly trimmed; and the maximum extension of the hair in the sideburns is one-half inch.

Mustaches

Mustaches shall neither extend more than one-quarter inch below a horizontal line through the corners of the mouth nor fall below the vermilion border of the upper lip. Mustaches may not be heavily waxed or twisted and must be neatly trimmed.

Beards

Beards are not permitted. Personnel with a medical condition that precludes shaving are required to present a written statement from a medical doctor verifying that such a condition exists.



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CONDUCT IN PRESENCE OF THE FLAG

Patrol agents shall face the flag, stand at attention, and salute on the following occasions: (1) when the flag is passing in a parade or in a review, (2) during a ceremony of hoisting or lowering, (3) when the flag is displayed during the playing of the National Anthem, and (4) during the Pledge of Allegiance.

Those patrol agents in uniform with hat will render the military salute, with the upper arm extending straight away from the body and the fingertips lightly touching the brim of the hat. On those occasions when wearing a hat is inappropriate, the military hand salute will be rendered in the usual manner. Patrol agents not in uniform will salute in the manner of all nonuniformed persons.

CONDUCT AS A WITNESS

Patrol agents may at times appear as witnesses in administrative proceedings or in court and should be thoroughly familiar with the basic rules of evidence. Although the rules of evidence are less strictly adhered to in administrative proceedings than in judicial proceedings, the rules governing the conduct or demeanor of witnesses are essentially the same. Patrol agents also should be thoroughly familiar with the instant case, reviewing reports and notes as needed to refresh their memories.

Patrol agents, when appearing as witnesses, should be neat in appearance and should conduct themselves as representatives of the United States Government. They should be pleasant, courteous, and cooperative. Every action should reflect impartiality toward the case.

While waiting to appear as witnesses, patrol agents should maintain dignity at all times. They should never engage in loud discussions or joking in the corridors or courtroom, and should avoid giving the impression of being an "old timer." (b)(7)(E)

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**(b)(7)(E)**SEXUAL HARASSMENT

Sexual harassment has been defined as deliberate or repeated unsolicited verbal comments, gestures, or physical contacts of a sexual nature that are unwelcome. Sexual harassment is a form of employee misconduct that undermines the integrity of the employment relationship. Sexual harassment is a prohibited personnel practice when it results in discrimination for or against an employee on the basis of conduct not related to performance--such as the taking, or refusal to take, a personnel action, including promotion of employees who submit to sexual advances, or the refusal to promote employees who resist or protest sexual overtures.

In general, the notion of sexual harassment refers primarily to supervisory personnel with the power to recommend, or not recommend, a subordinate for promotion. In line with the policy of the federal government and its agencies, however, it applies to all employees. Within the federal government, a supervisor who uses implicit or explicit coercive sexual behavior to control, influence, or affect the career, salary, or job of an employee is engaging in sexual harassment. Similarly, an employee of an agency who behaves in this manner while conducting agency business is engaging in sexual harassment.

OFF-DUTY CONDUCT

It might be argued that as long as patrol agents conduct themselves properly while on duty, they are free to do as they please when off duty and their conduct is of no concern to the Service or supervisory patrol agents. This is a poor line of reasoning, for when an agent's habits or conduct begin to affect his or her efficiency on the job, or the reputation of the Service, they immediately become the business of the Service.

All patrol agents are expected to obey federal, state, and local laws. Consistent with their official position, they should respect and try to follow the customs of the communities in which they live. Participation in community activities and the assumption of civic responsibilities are encouraged.

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There are always persons prone to criticize the Government and its employees, and they may seize upon any transgression of a Government employee to support their prejudices. Therefore, it behooves all Government employees, and patrol agents in particular, to conduct themselves so that their conduct will be above reproach.

Indebtedness

The failure of patrol agents to pay just debts will quickly bring the Service into disrepute. As part of the responsibility to conduct themselves properly, agents are expected to attend promptly to personal financial obligations. Failure to do so may be deemed sufficient cause for disciplinary action, the most serious of which is dismissal.

Although the Service will not act as a collection agency for outside organizations, supervisors are required to act promptly, fairly, and decisively on every complaint received from creditors of employees that just obligations are resolved satisfactorily. In the case of chronic offenders, or if other circumstances warrant, disciplinary action will be initiated under Service procedures.

Associates

While law violators and other disreputable persons are sometimes ingratiating and have engaging personalities, these qualities do not justify associating with them. Even the appearance of being social with such persons must be avoided.

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Use of Intoxicants or Drugs

Accusations of intoxication or drug abuse are difficult to disprove. Therefore, any appearance or indication of indulgence in intoxicants to excess, or use of any illicit drug, should be studiously avoided. Patrols agents should cultivate abstemious reputations.

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Service regulations provide that no person using intoxicating beverages to excess, or illicit drugs, may be appointed or retained and that the habitual use of intoxicants to excess, or the use of illicit drugs at any time, are grounds for dismissal.

The use of intoxicating beverages by patrol agents is not tolerated:

1. At any time or to any extent while on duty; or while wearing the uniform or any part of it;
2. To such an extent before going on duty; that upon reporting for duty, there can be detected about the person any evidence of use.
3. At any time or to such an extent that, as a result, the efficiency of the individual is likely to be affected or the Service is likely to be brought into disrepute.

SERVICE PROFESSIONAL RESPONSIBILITY PROGRAM

OI 287.10(a) - 287.10(o) outlines Service policy relating to standards of behavior expected of employees and procedures for reporting suspected violations.

The Office of Professional Responsibility (COPRR) is responsible for (1) planning, directing and managing the Service's investigative programs concerning allegations or information of criminal or other misconduct by Service employees; and (2) coordinating these programs with other Service operations and also with related functions of other agencies, such as the Department of Justice Office of Professional Responsibility.

CONCLUSION

Law enforcement is more widely recognized today as a profession. This change has come about through the dedicated efforts of officers who were not satisfied with the common image of an officer. Patrol agents should do their utmost to maintain this progress and to strive to achieve an even more professional status.

A combination of personal qualities and performance standards form the basis for professional growth. Technical competence alone does not denote professional stature. The professional patrol agent must have not only technical competence, but also the proper motivation, attitude, sense of justice, and sensitivity to the dignity and worth of all human beings.